

Filed by: Merits Panel  
Mail Stop Interference  
P.O. Box 1450  
Alexandria Va 22313-1450  
Tel: 571-272-4683  
Fax: 571-273-0042

Paper 27

Entered: 21 November 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

HUBERTUS V. THOMEER and SARMAD ADNAN,  
Junior Party  
(Patent 6,333,700),

v.

PHILIP M. SNIDER and JOSEPH A. ZIEROLF  
Senior Party  
(Application 09/586,648).

---

Patent Interference No. 105,466 (SCM)  
(Technology Center 2600)

---

Before: LEE, LANE, and MEDLEY, Administrative Patent Judges.

MEDLEY, Administrative Patent Judge.

**Judgment - Bd.R. 127(b) and Bd.R. 201**

On 20 October 2006, the Board received from Thomeer a notice that "the assignee of the Thomeer patent has sold it to the assignee of the Snider application" (Paper 24). As a result of the notice, Snider's real party in interest was under order to show cause (OC) why judgment should not be entered against Thomeer (Paper 25).

Upon expiration of the due date for a response to the OC, counsel for Snider informed board personnel that Snider would not respond to the OC.

Accordingly, it is

**ORDERED** that judgment on priority as to Count 1 (Paper 1 at 4) in the interference is awarded against junior party HUBERTUS V. THOMEER and SARMAD ADNAN.

**FURTHER ORDERED** that junior party HUBERTUS V. THOMEER and SARMAD ADNAN is not entitled to a patent containing claims 1-14 (corresponding to Count 1) of U.S. patent 6,333,700.

**FURTHER ORDERED** that a copy of this paper shall be made of record in the files of application 09/586,648 and U.S. Patent 6,333,700.

**FURTHER ORDERED** that if there is a settlement agreement, attention is directed to 35 U.S.C. § 135(c) and Bd.R. 205.

<u>/Jameson Lee/</u>	)
JAMESON LEE	)
Administrative Patent Judge	)
	)
	)
<u>/Sally G. Lane/</u>	)BOARD OF PATENT
SALLY G. LANE	) APPEALS AND
Administrative Patent Judge	) INTERFERENCES
	)
	)
<u>/Sally C. Medley/</u>	)
SALLY C. MEDLEY	)
Administrative Patent Judge	)

cc (via e-mail):

cgholz@oblon.com

eweimar@morganlewis.com